

Committee to visit penitentiaries, Senators Jones, Kilgore and Kleberg.

On motion of Senator Shannon, the Senate adjourned till 10 o'clock to-morrow morning.

SEVENTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 31, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Pfeuffer,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Bell,

Senator Harrison was excused for to-day.

On motion of Senator Pope,

Senator Peacock was excused from Thursday morning till Monday.

On motion of Senator Jones,

Senator Jerdone was excused from Thursday morning till Monday.

On motion of Senator Jones,

Senator Houston of Wheeler was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Perry:

A petition of 130 citizens of Brazos county, protesting against legislation closing the public roads running through lands belonging to the Agricultural and Mechanical College in said county.

Referred to Committee on Roads, Bridges and Ferries.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House joint resolution No. 22, entitled "A joint resolution granting leave of absence to the Honorable W. E. Collard, judge of the twelfth judicial district of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. In the opinion of the committee district judges in this State are not prohibited from leaving the State on business or pleasure visits, provided they do not thereby neglect the duties of their office, and that therefore the legislation proposed by this joint resolution is wholly unnecessary.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, January 29, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 46, entitled "An act for the relief of W. S. Boothe," have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the accompanying substitute, with the recommendation that the substitute do pass.

It appears from accompanying affidavit, dated fifth day of January, 1885, that the notice of application for special relief, as required by the Constitution, was published in December, 1880. It also appears that Jacobs, as administrator of the estate of James Swindells, sold a tract of land which was purchased by the said Boothe and others; that the money from the sale of said estate was paid into the Treasury and placed to the credit of "settlement of estates account," on twenty-second of December, 1876; that afterwards Swindells appeared on the scene and brought suit for and recovered the land.

All of which is respectfully submitted.

GETZENDANER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred Senate bill No. 131, entitled "An act to give effect to section 2, article 14 of the Constitution," have carefully examined the same, and instruct me to report back the accompanying substitute therefor, with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

SUBSTITUTE SENATE BILL NO. 131.

A bill to be entitled "An act to amend article 3916 of the Revised Civil Statutes."

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate substitute for House bill No. 4, being "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 149, entitled "An act to amend article 2438, title 44 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Seventeenth Legislature, so as to require all reports for the use of the Legislature to be printed by the first day of December before the assembling of the Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 35, entitled "An act to amend article 4531 of the Revised Statutes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 165, entitled "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was

referred House bill No. 21, entitled "An act to amend article 677 of the Penal Code," have duly considered the same, and instructed me to report it back to the Senate and recommend its passage. The bill proposes to so amend article 677 of the Penal Code as to give telephone lines the same legal protection as is at present afforded to telegraph lines.

All of which is respectfully submitted.

SHANNON, Chairman.

By Senator Glasscock:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 129, entitled "An act to protect the public property of the State," and a memorial of citizens in reference thereto, have had the same under consideration, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

GLASSCOCK, Chairman.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 162, entitled "An act to amend article 4489, title 90 of the Revised Statutes of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 156, entitled "An act to amend article 3014 of the Revised Statutes of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate, with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT TO SENATE BILL NO. 156.

Amend by adding subdivision 12, as follows:

"12. All agents of express companies while actually engaged in the discharge of their duties."

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 183, entitled "An act to amend article 75 of the Revised Civil Statutes of the State of Texas as amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, A. D. 1883," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 155, entitled "An act to amend article 4405 of chapter 3, title 87 of the Revised Statutes of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT TO SENATE BILL NO. 155.

Amend by adding the words, "all active members of volunteer fire companies in all cities, and all students attending any university, college or school."

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 138, entitled "An act to amend chapter 3, title 53 of the Revised Statutes of Texas, by adding thereto article 2971a," have carefully examined the same and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT TO SENATE BILL NO. 138.

Strike out all after the word "regulations."

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 134, entitled "An act to amend article 610, chapter 6 of the Revised Statutes," have carefully examined the same, and the committee instruct me to report the same back to the Senate, with the recommendation that it lie on the table, for the reason that the committee have reported favorable upon a bill relating to the same subject.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 133, entitled "An act to amend article 610, chapter 5 of the Revised Civil Statutes of the State," have carefully examined the same, and the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that the committee have reported favorably upon a bill relating to the same subject.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 139, entitled "An act to amend article 3200 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 114, entitled "A bill to amend chapter 6, title 26 of the Revised Statutes, by adding article 1039a," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 99, entitled "An act to amend articles 1024 and 1025, of chapter 4, title 26 of the Revised Civil Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Sen-

ate bill No. 125, entitled "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1731, 1743, 1744 and 1752 of chapter 6, title 34 of the Revised Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate, with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 98, entitled "An act to amend article 1828 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report it back with the recommendation that it do not pass, the present law relating to the subject being, in their opinion, sufficient.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 118, entitled "An act to protect assignments made to attorneys at law of claims for unliquidated damages," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 120, entitled "An act to amend article 1161, title 28, chapter 4, of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report it back to the Senate with the accompanying substitute, with the recommendation that said substitute do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 120.

"A act to confer upon county courts jurisdiction in cases of contested elections."

Section 1. Be it enacted by the Legislature of the State of Texas, that the county courts in this State shall have jurisdiction in all cases of contested elections, and from the final judgment in such cases, either party may appeal to the Court of Appeals as in other causes.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 137, entitled "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1870, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend an act to incorporate the city of San Antonio,' approved February 11, 1860, also, 'an act to amend an act entitled an act to incorporate the city of San Antonio, and grant a new charter to said city,' approved April 18, 1879," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 160, entitled "An act to amend article 595, chapter 4, title 20, of the Revised Statutes of the State of Texas,"

and Senate bill No. 161, entitled "An act to amend article 610, chapter 5, title 20, of the Revised Statutes of the State of Texas," have considered the same, and instruct me to report both bills back with the accompanying substitute, with the recommendation that the substitute do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

BILLS AND RESOLUTIONS.

By Senator Evans:

"An act to amend article 1421 of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Traylor:

A bill to provide for the care and preservation of the Alamo.

Referred to Committee on State Affairs.

By Senator Calhoun:

"An act to amend article 553, chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Stinson:

"An act to provide for the separation of partition or adjoining fences."

Referred to Committee on Agricultural Affairs.

By Senator Glasscock:

"An act to provide for the appointment of temporary guardians of the persons and estates of minors, and to prescribe their powers, liabilities and duties."

Referred to Judiciary Committee No. 1.

By Senator Randolph:

A bill for the relief of Thos. Dillard.

Referred to Committee on Claims and Accounts.

By Senator Jones, by request:

"An act to provide for the appointment of a court stenographer."

Referred to Judiciary Committee No. 1.

Joint resolution to repeal section 16 of article 16 of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

"An act to repeal article 4112 of the Revised Civil Statutes."

Referred to Committee on Internal Improvements.

"An act to amend section 4 of an act entitled 'an act to provide for an organization of a board to direct, supervise, control,' etc., approved March 28, 1880."

Referred to Committee on State Affairs.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of

House bill No. 51, "An act to restore the jurisdiction of the county court of Grimes county."

A. D. SADLER, Chief Clerk House.

Senate bill No. 69, "An act to establish a reformatory farm for youthful convicts," etc., was taken up as a regular order and read second time, with substitute.

On motion of Senator Houston of Bexar,

The committee substitute was adopted.

(Senator Houston of Bexar in the chair.)

Senator Traylor offered the following amendment:

In section 7, line 26, after the word "board," insert "or some member of it."

Adopted.

Senator Davis offered to amend by striking out "assistant" in eleventh line of page 2.

Adopted.

Senator Getzendaner offered to amend as follows:

In line 21, page 1, add, after the word "industry," the following: "some useful trade."

Adopted.

Senator Kleberg offered to strike out on page 3, section 10, line 11, the words "seventy-five" and insert "one hundred."

Lost.

Senator Bell offered the following amendment:

Amend by adding after the word "years," in line 5, page 2, "except those whose punishment has been assessed at confinement in the penitentiary for life."

Senator Pope offered to amend the amendment by adding the following: "Or for a term exceeding twenty years."

Lost by the following vote:

YEAS—12.

Bell,	Glasscock,	Pope,
Calhoun,	Houston of Wheeler,	Stinson,
Camp,	Johnson,	Terrell,
Getzendaner,	Perry,	Traylor,

NAYS—15.

Davis,	Garrison,	Kleberg,
Douglass,	Hall,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Woods.

ABSENT, NOT VOTING.

Knittel.

The amendment of Senator Bell was lost by the following vote:

YEAS—12.

Bell,	Glasscock,	Pope,
Calhoun,	Houston of Wheeler,	Stinson,
Camp,	Johnson,	Terrell,
Fowler,	Getzendaner,	Traylor,

NAYS—15.

Davis,	Hall,	Perry,
Douglass,	Houston of Bexar,	Pfeuffer,
Evans,	Jones,	Randolph,
Farrar,	Kilgore,	Shannon,
Garrison,	Kleberg,	Woods.

Senator Pfeuffer offered the following:

After the word "best," in line 4, section 1, add "having due consideration of the healthfulness of the locality selected, as well as its situation at or near some line of a railroad."

Adopted.

Senator Glasscock offered to amend section 4 by inserting in line 5, page 2, after the word "years" the following words, "except those convicted of misdemeanors."

Lost.

Senator Stinson offered to amend by striking out "eighteen," in line 5, section 4, and insert "sixteen."

Lost by the following vote:

YEAS—10.

Bell,	Hall,	Pope,
Calhoun,	Johnson,	Stinson,
Fowler,	Perry,	Terrell,
Glasscock,		

NAYS—18.

Camp,	Getzendaner,	Knittel,
Davis,	Houston of Bexar,	Pfeuffer,
Douglass,	Houston of Wheeler,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.

Senator Getzendaner offered to amend line 12, page 1, by striking out the words "to be confined therein."

Lost.

Senator Pope offered:

In section 4, line 5, strike out "eighteen" and insert "seventeen."

Adopted by the following vote:

YEAS—15.

Bell,	Getzendaner,	Pope,
Calhoun,	Glasscock,	Randolph,
Camp,	Johnson,	Shannon,
Evans,	Kleberg,	Stinson,
Fowler,	Perry,	Terrell,

NAYS—12.

Davis,	Hall,	Knittel,
Douglass,	Houston of Bexar,	Pfeuffer,
Farrar,	Jones,	Traylor,
Garrison,	Kilgore,	Woods.

Senator Glasscock offered the following amendment:

Amend by adding,

Sec. 11. Any person who may be committed to or confined in said house of correction, and who may escape therefrom may be arrested and returned to said institution by any officer or citizen on the written order or request of the superintendent, or under such regulations as may be prescribed by law; and such person so escaping shall be punished in such manner as may be prescribed in the rules and regulations adopted, or hereafter adopted, by the Penitentiary Board of this State, and the superintendent of said reform school.

Sec. 12. If any girl or boy under the age of fourteen years shall be arraigned for trial before any court of competent jurisdiction, charged with any violation of any criminal law of this State, the judge of said court, with the consent of the accused, may arrest at any stage of the cause any further proceedings on the part of prosecution, and commit the accused to said house of correction until he or she shall have attained the age of eighteen years.

Sec. 13. Whenever said house of correction shall have been so far completed as to admit of the reception of inmates intended to be committed thereto, the Governor shall make due proclamation of the fact, and thereafter it shall be lawful for the superintendent to receive into said house of correction such inmates as are contemplated by this act.

Senator Houston of Bexar offered to strike out section 12 of Senator Glasscock's amendment.

Adopted.

Senator Jones moved to amend Senator Glasscock's amendment by striking out section 11.

Adopted.

Senator Stinson moved to amend the amendment by striking out section 13.

Adopted.

Senator Traylor offered the following:

In section 4, line 5, after "years," insert: "provided, this act shall not apply to any person convicted of murder in the first or second degree."

Lost by the following vote:

YEAS—13.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Pope,
Camp,	Houston of Wheeler,	Stinson,
Farrar,	Johnson,	Traylor,
Getzendaner,		

NAYS—15.

Davis,	Houston of Bexar	Pfeuffer,
Douglass,	Jones,	Randolph,
Evans,	Kilgore,	Shannon,
Fowler,	Kleberg,	Terrell,
Garrison,	Perry,	Woods.

Senator Houston of Bexar moved the previous question.

Adopted, the main question ordered, and the bill ordered engrossed by the following vote:

YEAS—20

Bell,	Getzendaner,	Knittel,
Calhoun,	Glasscock,	Pfeuffer,
Davis,	Hall,	Randolph,
Douglass,	Houston of Bexar,	Shannon,
Evans,	Jones,	Traylor,
Farrar,	Kilgore,	Woods.
Garrison,	Kleberg,	

NAYS—8.

Camp,	Johnson,	Stinson,
Fowler,	Perry,	Terrell.
Houston of Wheeler,	Pope,	

Senator Terrell sent up the following written reasons for voting against the engrossment of the bill:

I vote no, because in my judgment persons who are sentenced to confinement for a longer term than ten years, should be sent to the penitentiary, and not to a house of correction. When, in the opinion of a jury, a crime merits a longer punishment than ten years imprisonment, I do not think that there is much chance of reforming the criminal. I would favor a bill creating a house of correction for convicts who were under seventeen years of age at the time of the commission of the offense, and who are not sentenced for a longer term than ten years.

I concur in the above.

TERRELL.

STINSON.

By leave, Senator Shannon introduced the following committee report:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 173, entitled "An act to repeal article 4112 of the Revised Civil Statutes," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, Chairman.

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes," was laid before the Senate as unfinished business.

Senator Jones moved to postpone action on the bill.

Withdrawn.

The bill was read third time.

Senator Jones offered to amend as follows:

Strike out all after the word "road," in subdivision 7, in line 18, provided that no corporation shall be organized under the provisions hereof for operating a railroad.

Lost by the following vote:

YEAS—18.

Bell,	Getzendaner,	Kleberg,
Camp,	Glasscock,	Knittel,
Douglass,	Hall,	Perry,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell.

NAYS—10.

Calhoun,	Johnson,	Shannon,
Davis,	Pfeuffer,	Traylor,
Farrar,	Randolph,	Woods.
Houston of Bexar,		

Senator Getzendaner move to amend by adding subdivision, as follows:

"For the encouragement of agriculture."

Senator Bell offered to amend the amendment as follows:

Amend by adding at the end of article 566:

26. The purchase and sale of goods, wares and merchandise,

Lost.

Senator Houston of Bexar offered to amend the amendment as follows:

"And for the encouragement of stockraising."

Lost by the following vote:

YEAS—13.

Davis,	Hall,	Kilgore,
Douglass,	Houston of Bexar,	Kleberg,
Evans,	Houston of Wheeler,	Perry,
Farrar,	Jones,	Shannon,
Glasscock,		

NAYS—15.

Bell,	Getzendaner,	Randolph,
Calhoun,	Johnson,	Stinson,
Camp,	Knittel,	Terrell,
Fowler,	Pfeuffer,	Traylor,
Garrison,	Pope,	Woods.

Senator Shannon offered the following as a substitute for the amendment:

For the purpose of incorporating granger associations.

Lost.

The amendment of Senator Getzendaner was lost by the following vote:

YEAS—8.

Getzendaner,	Jones,	Stinson,
Glasscock,	Perry,	Terrell.
Houston of Wheeler,	Pope,	

NAYS—20.

Bell,	Fowler,	Knittel,
Calhoun,	Garrison,	Pfeuffer,
Camp,	Hall,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Douglass,	Johnson,	Traylor,
Evans,	Kilgore,	Woods.
Farrar,	Kleberg,	

Senator Pope moved to adjourn till 10 o'clock Monday morning.

Lost.

Senator Garrison offered the following amendment:

Amend by striking out subdivision 2, and inserting the following:

The support of any benevolent, charitable, co-operative association doing business upon the assessment plan, educational or missionary undertaking.

Lost by the following vote:

YEAS—16.

Bell,	Glasscock,	Pfeuffer,
Camp,	Johnson,	Pope,
Farrar,	Kilgore,	Randolph,
Fowler,	Knittel,	Stinson,
Garrison,	Perry,	Terrell.
Getzendaner,		

NAYS—12.

Calhoun,	Hall,	Kleberg,
Davis,	Houston of Bexar,	Shannon,
Douglass,	Houston of Wheeler,	Traylor,
Evans,	Jones,	Woods.

The bill passed by the following vote:

YEAS—22.

Bell,	Garrison,	Pfeuffer,
Calhoun,	Getzendaner,	Randolph,
Camp,	Glasscock,	Shannon,
Davis,	Johnson,	Stinson,
Douglass,	Kilgore,	Terrell,
Evans,	Knittel,	Traylor,
Farrar,	Perry,	Woods.
Fowler,		

NAYS—6.

Hall,	Houston of Wheeler,	Kleberg,
Houston of Bexar,	Jones,	Pope.

Senator Davis moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Adopted.

On motion of Senator Davis, Senate bill No. 67, "An act to amend article 852 of the Code of Criminal Procedure," was taken up out of its regular order and read third time and passed.

On motion of Senator Houston of Wheeler, Senate joint resolution No. 6, "Amending section 3, article 5 of the Constitution," was taken up out of its regular order and made special order for February 6, after morning call.

Senator Randolph moved to excuse Senator Jones. Lost.

By leave,

Senator Houston of Bexar introduced a bill, "An act regulating insurance, and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes."

Referred to Committee on Insurance, Statistics and History.

Senator Glasscock moved to suspend business and take up Senate bill No. 55, "An act for the relief of John McHorse."

Adopted.

Read second time, and

Senate refused to engross the bill.

Senator Fowler offered the following privileged report:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 71, being "An act to transfer to the general revenue certain funds, now in the State treasury, to the credit of other accounts," and find the same correctly enrolled, and have this day, at 1:10 o'clock p. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

On motion of Senator Hall, Senate bill No. 51, a bill to be entitled "An act to provide for the appointment of special clerks of the district and county courts in certain cases," was taken up and made special order for Thursday morning, February 5, after the morning call.

On motion of Senator Pope,

Senate bill No. 4, a bill to be entitled "An act to amend article 2514 of chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted Feb-

ruary 28, 1879," was taken up out of its regular order and read second time, and ordered engrossed.

The President gave notice of signing Senate bill No. 71, a bill to be entitled "An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts."

On motion of Senator Perry,

Senate bill No. 73, a bill to be entitled "An act to amend section 71 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of the State of Texas as refers to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed by the Eighteenth Legislature at its called session," was taken up out of its regular order and read second time.

Senator Hall offered the following amendment:

Amend on line 15 by striking out the word "and," and insert after "Milam" the words "and Cameron."

Senator Kleberg offered to add DeWitt county.

Accepted.

Senator Terrell offered to amend by adding Kaufman county.

Accepted.

On motion of Senator Pfeuffer,

Action on the bill was postponed till Wednesday next, after morning call.

On motion of Senator Shannon,

The Senate adjourned till 10 o'clock Monday morning.

EIGHTEENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 2, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Wilson, of Fannin county.

On motion of Senator Randolph,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Kilgore:

From sixty-eight citizens of Van Zandt county, on the subject of prohibition.

Referred to Committee on Constitutional Amendments.

By Senator Houston of Wheeler:

From officers and citizens of Hardeman county, asking that Motley, Childress and other counties be attached to Hardeman county for judicial and surveying purposes.

Referred to Committee on Judicial Districts.

REPORTS OF STANDING COMMITTEES.

By Senator Evans: